

Remarks

Claims 69-72, 75, 77, 78, 81-106 are currently pending in the application. Applicants thank the Examiner for deeming claims 78 and 81-87 to be allowable. Claim 69 has been amended to specify that the recited polypeptide comprises the sequence of SEQ ID NO:2. No new matter has been added by way of this amendment, and support can be found in the specification, *e.g.*, in the Examples. Upon entry of the present Amendment, claims 69-72, 75, 78, 81-91, 102 and 103 will be pending.

The Rejections for Lack of Written Description Should be Withdrawn

The Examiner has rejected claims 69-72, 75, 81-91, 102 and 103 under 35 U.S.C. § 112, first paragraph, as allegedly lacking sufficient written description (Office Action, pages 4-10). Specifically, the Examiner contends that the claims do not recite any functional limitations, and that there is an inadequate description of the genus recited in the claims, *i.e.*, a Smurf having an amino acid sequence similarity of greater than 90% to SEQ ID NO:2.

Without conceding the propriety of the Examiner's rejections, and solely to further prosecution of the claims, Applicants have amended claim 69 to specify that the Smurf comprises the sequence depicted in SEQ ID NO:2. Support for this amendment is found, *e.g.*, in the Sequence Listing. As such, claim 69, and claims depending from claim 69, have sufficient written description support in the specification. For the reasons stated above, Applicants respectfully request that the Examiner withdraw this rejection of the claims.

The Rejection for Lack of Enablement Should be Withdrawn

The Examiner has rejected claims 69-72, 75, 77, 88-91 and 102 under 35 U.S.C. § 112, first paragraph, as allegedly nonenabled. Specifically, the Examiner states that the specification "does not reasonably provide enablement for any polypeptide fragment of SEQ ID NOS: 2/4 [*sic*, SEQ ID NO:2]." Applicants note that the pending claims do not encompass "any polypeptide fragment of SEQ ID NO:2".

Without conceding the propriety of the Examiner's rejections, and solely to further prosecution of the claims, Applicants have amended claim 69 to specify that the Smurf comprises the sequence depicted in SEQ ID NO:2. Support for this amendment is found, *e.g.*, in the Sequence Listing. As such, claim 69, and claims depending from claim 69, are sufficiently enabled by the specification. For the reasons stated above, Applicants respectfully request that the Examiner withdraw this rejection of the claims.

III. Conclusion

In view of the foregoing remarks, Applicants respectfully submit that this application is now in condition for allowance. If a telephone interview would advance prosecution of the application, the Examiner is invited to call the undersigned at the number listed below. No additional fees are believed due in connection with this Amendment. Applicants believe that no fee, other than the extension of time fee, is due with respect to this submission. However, the Commissioner is authorized to charge Jones Day Deposit Account 50-3013 any fees deemed to be due, or to refund any fees deemed overpaid.

Respectfully submitted,

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